

ORDINANCE No 169

AN ORDINANCE GRANTING TO THE CENTRAL CALIFORNIA TRACTION COMPANY, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, FOR SUCH TERM, PERIOD AND LENGTH OF TIME AS SHALL MEET WITH THE PLEASURE OF THE CITY COUNCIL OF THE CITY OF LODI, THE RIGHT, PRIVILEGE AND PERMISSION TO CONSTRUCT AND MAINTAIN A RAILROAD TRACK OF STANDARD GAUGE, AND OPERATING LOCOMOTIVES, CARS, MOTORS AND OTHER ROLLING STOCK UPON, OVER AND ACROSS CERTAIN STREETS IN THE CITY OF LODI.

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The City Council of the City of Lodi do Ordain as follows:

SECTION I. The City of Lodi hereby grants to the Central California Traction Company, a corporation duly organized and existing under and by virtue of the laws of the State of California, its successors and assigns, as far as it lies within the power of the City of Lodi to grant the same, for the term, period and length of time as shall meet with the pleasure of the City Council of said City of Lodi, and subject to the terms and conditions hereinafter made and expressed, the right, privilege and permission to construct lay down, operate and maintain along, upon and across those portions of the City of Lodi hereinafter described a road bed and railroad track of standard gauge, with the right privilege and permission of running and operating thereon electrically or steam propelled trains, cars, locomotives, motors and other rolling stock. The route on, over and along which said right, permit, and privilege is given is as follows:

Commencing at a point 5 feet East of the West line of Seaton Avenue, and 30 feet North of the North line of Flora Street produced Westerly, as said Seaton Avenue and Flora Street are shown and delineated on the "Plat of Subdivision of lot 72 of the Lodi Barnhart Tract", filed July 8, 1908, and recorded in Book of Maps, Vol. 4, page 30, in the office of the County Recorder of San Joaquin County, California, said point of commencement being the South end of present Central California Traction Company's spur track along Seaton Avenue; thence Southerly on, over and along the Westerly 10 feet of Seaton Avenue, a dis-

tance of 687.0 feet; thence Southerly on a gradual curve to the right, having a radius of approximately 150 feet, a distance of 39.0 feet to a point in the North line of Tokay Street, as said Tokay Street is shown on the above mentioned "Plat of Subdivision of Lot 72 of the Lodi Barnhart Tract"; thence continue on above noted curve to the right, Southerly 39.5 feet; thence Southerly on a gradual curve to the left, having a radius of approximately 150 feet, a distance of 31.0 feet to a point in the South line of Tokay Street, being Engineer's Station 7+96.5.

SECTION 2. The right, privilege and permission hereby granted to said Central California Traction Company is dependent for its continuance and validity upon the performance by said Company, its successors or assigns, of the following conditions, to wit:

FIRST: Said Traction Company shall maintain its roadbed and tracks along the aforesaid route to the official grade of all streets, or alleys, or portions thereof, where said roadbed and track lies upon such streets, or alleys, or portions thereof, and shall not change the grade of its said roadbed or tracks unless with the permission of the City Council of said City of Lodi.

SECOND: Said Traction Company, its successors or assigns, shall keep its said roadbed and track in good condition, with proper slope to enable vehicles to pass thereon and thereover.

THIRD: Said Traction Company shall keep the streets and alleys, and portions of streets and alleys, along or across which said track is laid, and between the rails thereof, and for a width extending two feet on each side of said rails, in good repair, and shall grade or regrade, gravel or re-gravel, macadamize or re-macadamize the same with such material as shall be satisfactory to the said City Council of the City of Lodi.

~~SECTION 3. This grant shall remain in full force and effect until the expiration of the term of years therein expressed, and shall not be subject to termination or expiration by the passage of time or the expiration of the term of years therein expressed.~~

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Section 3. The said right, privilege and permission is hereby granted dependent upon the following condition, to-wit; that no work on the construction of said tracks shall be commenced or performed until such time as the petition, dated March 12, 1929, of the Southern Pacific Company to the Interstate Commerce Commission for a supplemental order in Finance Docket No. 5008 shall have been denied, overruled or dismissed.

Section 4, It is expressly understood that the fact of the ~~the~~/passage of this ordinance shall not be used before the Interstate Commerce Commission as an indication on the part of the City Council of the City of Lodi, of its attitude in any controversy now pending before that commission.

Section 5. This ordinance shall be in full force and effect from and after thirty days from its final passage and approval.

I hereby approve and sign the foregoing Ordinance No. 169

Dated: April 15, 1929.

W. A. SPOONER,
Mayor of the City of Lodi

I hereby certify that the foregoing Ordinance No. 169 was regularly introduced at an adjourned regular meeting of the City of Lodi, Lodi, California, held Thursday, April 4th., 1929 and thereat laid over for a period of not less than five days, and that said ordinance was introduced for passage at a regular meeting of said City Council held Monday, April 15th., 1929 and finally passed and adopted by the following vote :-

AYES, Councilmen, SHATTUCK, ROACH, HALE, WEIHE

and SPOONER
NOES: Councilmen, NONE

ABSENT, Councilman NONE

Attest: J. J. Bragg
City Clerk of the City of Lodi